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PUBLIC UTILITIES COMMISSION
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August 15, 2007

Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WC Docket No. 04-36, *In the Matter of IP-Enabled Services*

Dear Chairman Martin:

The Commission's previous decisions regarding VoIP services appear to have limited the Commission's preemptive jurisdiction over VoIP voice traffic only in those circumstances where it is impossible to separate the interstate and intrastate components of the communication.¹ Verizon's August 8, 2007 letter to you requesting that the Commission go further ("take the natural next step") and apply the *Vonage Order* to all VoIP services and providers² raises serious questions of both fact and law. Further, such action by the Commission could have significant ramifications at the state level.

¹ *In re Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minn. Pub. Utils. Comm'n*, Memorandum Opinion and Order, 19 FCC Rcd 22404 (rel. Nov. 12, 2004); *In the Matter of IP-Enabled Services*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (rel. June 3, 2005); and *In the Matter of Universal Service Contribution Methodology*, Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd 7518 (rel. June 27, 2006) ("Alternatively, to the extent that an interconnected VoIP provider develops the capability to track the jurisdictional confines of customer calls, it may calculate its universal service contributions based on its actual percentage of interstate calls. Under this alternative, however, we note that an interconnected VoIP provider with the capability to track the jurisdictional confines of customer calls would no longer qualify for the preemptive effects of our *Vonage Order* and would be subject to state regulation. This is because the central rationale justifying preemption set forth in the *Vonage Order* would no longer be applicable to such an interconnected VoIP provider.")

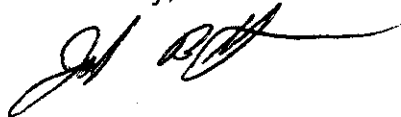
² Verizon's August 6, 2007 letter p. 1.

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Accordingly, the Maine Public Utilities Commission respectfully requests that the Commission not take action on Verizon's letter without first allowing all interested parties to comment on the legal and factual issues it raises.

Sincerely,



Joel B. Shifman
On behalf of the
Maine Public Utilities Commission

Cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M McDowell
Daniel Gonzalez
Ian Dillner
Scott Deutchman
Scott Bergmann
Chris Moore
John Hunter
Sam Feder
Matthew Berry
Thomas Navin
Marcus Maher
Randy Clarke
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